

ALERT

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Job Killer Vote Record: Key Wins; Battles Remain



This edition of *Alert* presents a recap of floor votes taken on job killer bills before the Legislature's summer recess, as well as 2015 votes on a couple of job killer bills that still could

be taken up this year.

Strong opposition from the California Chamber of Commerce and allies has stopped a number of job killer bills, including two that failed in Assembly floor votes. Just nine job killer proposals remain alive for consideration when legislators return from their summer break on August 1.

The full list and current status of the 23 job killer bills identified this year appear at www.CAJobKillers.com.

Below are the bills covered in this interim job killer vote record.

Affordable Housing Barriers

- **SB 1150 (Leno; D-San Francisco) Erodes Housing Availability:** Increases liability risk and the cost of residential loans by allowing a party not on the mortgage loan to interfere with appropriate foreclosures and creates a private right of action for violations of overly complex and burdensome requirements. *Passed Senate, June 1, 21-14. Assembly Floor.*

- **SB 1318 (Wolk; D-Davis) Erodes Housing Affordability:** Inappropriately leverages necessary affordable housing in order to solve infrastructure issues with the consequence that the housing won't be built by imposing requirements on water or waste water districts to serve certain communities first. *Passed Senate, June 2, 23-13. Held in Assembly Local Government Committee, June 9; Failed Deadline.*

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Experienced Litigator Joins CalChamber Advocacy Team



Karen Sarkissian

Karen Sarkissian, former partner in a nationally recognized firm of successful trial attorneys, has joined the California Chamber of Commerce as a policy advocate on health care and education issues.

For more than 12 years, she was an associate and then partner at Poswall, White & Cutler of Sacramento, litigating and resolving cases ranging from medical, dental and legal malpractice, to premises liability, employment law, automobile accidents, elder abuse, sexual abuse and civil rights. Sarkissian and a colleague tried and won the first expedited jury trial in Sacramento County in March 2011.

"We are delighted to welcome Karen to CalChamber" said President and CEO Allan Zaremborg. "Karen brings a wealth of advocacy and leadership skills to the CalChamber's policy team, as well as a thorough understanding of California law. I am confident that California's businesses will be well-represented by Karen in front of the Legislature and administrative agencies."

Fluent in Armenian, Sarkissian was commissioned by the Sacramento Superior Court to translate thousands of legal words, phrases, terms and statutes for the

See Experienced Litigator: Page 3

Governor Signs CalChamber-Backed Bill



SUPPORT

hours on an itemized wage statement has been signed into law.

AB 2535 (Ridley-Thomas; D-Los Angeles) clarifies existing law that only nonexempt employees and others who are

A California Chamber of Commerce-supported bill that clarifies the employees for whom an employer must track hours worked and record those

paid according to hours worked are required to have their hours tracked and logged on an itemized wage statement. The clarification will preclude frivolous and costly litigation with regard to hours worked by exempt employees.

The long-standing industry practice and interpretation of California law has been that an employer needs to track the hours of only nonexempt employees, not employees who are exempt under the Industrial Welfare Commission Wage Orders or Labor Code.

AB 2535 confirms this understanding to eliminate any ambiguity on the issue.
Staff Contact: Jennifer Barrera

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Job Killer Vote Record: Key Wins; Battles Remain

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Arbitration Discrimination

- **AB 2667 (Thurmond; D-Richmond) Consumer Arbitration Agreement Discrimination:** Unfairly discriminates against arbitration agreements and therefore is likely preempted by the Federal Arbitration Act, which will lead to confusion and litigation, by prohibiting arbitration of Unruh Civil Rights violations made as a condition of a consumer contract for goods or services. *Failed passage in Assembly, May 31, 38-36.*

Burdensome Environmental Regulation

- **SB 32 (Pavley; D-Agoura Hills) Slows Economic Growth:** Increases costs for California businesses, makes them less competitive and discourages economic growth by adopting further greenhouse gas emission reductions for 2030 without regard to the impact on individuals, jobs and the economy. *Passed Senate, June 3, 2015, 24-15. Failed passage in Assembly, September 8, 2015, 30-35. Reconsideration granted. Assembly Appropriations Committee hearing, August 3.*

- **SB 654 (de León; D-Los Angeles) Creates Unworkable Hazardous Waste Permitting Process:** Discourages investment in upgrading and improving hazardous waste facilities by shutting down hazardous waste facilities if the Department of Toxic Substances Control (DTSC) fails to take final action on the permit renewal application within a specified timeframe, even if the permit applicant acted diligently and in good faith throughout the permit application process. *Passed Senate, June 4, 2015, 21-16. Assembly Inactive File, September 8, 2015; Failed Deadline.*

Economic Development Barriers

- **AB 1611 (Committee on Budget) Increased Permit Processing Costs:** Significantly increases the costs of permitting aerospace, recycling, oil and gas, and other critical waste facilities by eliminating permit applicants' option to be charged a predictable flat permitting fee and instead giving the Department of Toxic Substances Control carte blanche to charge whatever fee it determines,

notwithstanding well-recognized and self-acknowledged deficiencies in DTSC's current permitting program that have resulted in excessive delays in permit processing. *Passed Senate, June 27, 23-13. Assembly concurrence in Senate amendments pending.*

- **SB 839 (Committee on Budget and Fiscal Review) Increased Permit Processing Costs:** Significantly increases the costs of permitting aerospace, recycling, oil and gas, and other critical waste facilities by eliminating permit applicants' option to be charged a predictable flat permitting fee and instead giving the Department of Toxic Substances Control carte blanche to charge whatever fee it determines, notwithstanding well-recognized and self-acknowledged deficiencies in DTSC's current permitting program that have resulted in excessive delays in permit processing. *Passed Assembly, June 16, 48-28. Senate concurrence in Assembly amendments pending.*

Increased Labor Costs

- **SB 3 (Leno; D-San Francisco) Automatic Minimum Wage Increase:** Unfairly imposes a potential 50% increase in the minimum wage by 2022 (actually an 87% increase over an 8-year period when combined with the last increase just implemented in January 2016), and automatically adjusts minimum wage beyond 2018 according to national inflation, with no "offramps" to suspend the indexing if employers are struggling with other economic factors or costs. *Passed Assembly, March 31, 48-26. Senate concurred in Assembly amendments, March 31, 26-12. Signed April 4—Chapter 4, Statutes of 2016.*

- **SB 1166 (Jackson; D-Santa Barbara) Imposes New Maternity and Paternity Leave Mandate:** Unduly burdens and increases costs of small employers with as few as 10 employees, as well as large employers with 50 or more employees, by requiring 12 weeks of protected employee leave for maternity or paternity leave, and exposes all employers to the threat of costly litigation. *Passed Senate, June 1, 22-14. Failed passage in Assembly Labor and Employment Committee, June 22.*

Meritless Litigation

- **AB 2748 (Gatto; D-Glendale) Increases Environmental Litigation:** Eliminates incentives to settle lawsuits and instead exposes businesses to multiple rounds of litigation at great expense to the parties and the courts by creating statutory prohibitions on "release" clauses in settlements pertaining to "environmental disasters." Job killer tag removed due to June 2 amendments, which made clarifications and narrowed the bill to apply only to the Porter Ranch area gas leak or to contamination surrounding the Exide Technologies facility, but CalChamber remains opposed. *Failed passage in Assembly before amendments, May 5, 30-32 (vote shown). Amended bill passed Assembly, June 2, 53-18. Passed Senate Environmental Quality Committee, June 29, 5-2.*

- **SB 899 (Hueso; D-San Diego) Increased Frivolous Litigation:** Drives up consumer costs and increases frivolous litigation similar to the disability access lawsuits in California, by prohibiting a retailer or grocery store from discriminating against a person on the basis of gender with the price of goods and subjecting them to a minimum \$4,000 of damages for each violation. *Passed Senate, May 26, 22-12. Held in Assembly Judiciary Committee, June 28.*

Key to Using This Section

- Y means voted for bill.
- N means voted against bill.
- means not voting "aye" on a CalChamber-opposed bill.
- means absent.

Boldface type indicates votes in accord with CalChamber position.

The last three columns are a tabulation of votes in accord with the CalChamber position, not in accord with the CalChamber and not voting or absent.

Senate Vote Record on Job Killers

	Affordable Housing Barriers	SB 1150 Mortgage Successors	SB 1318 Water Requirements	Arbitration Discrimination	AB 2667 Consumer Contracts	Burdensome Environmental Regulation	SB 32 Emission Reductions*	SB 654 Haz Waste Permits*	Economic Development Barriers	AB 1611 Permit Processing	SB 839 Permit Processing	Increased Labor Costs	SB 3 Automatic Minimum Wage Hike	SB 1166 Maternity/Paternity Leave	Meritless Litigation	AB 2748 Release Clauses	SB 899 Goods Pricing	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent			
Allen, Ben (D)	Y	Y			Failed passage in Assembly.		Y	Y	Y		Senate concurrence in Assembly amendments pending.	Y	Y										
Anderson, Joel (R)	N	N					N	N	N				N	N									
Bates, Patricia (R)	N	N					N	N	N				N	N									
Beall, Jim (D)	Y	Y					Y	Y						Y	Y								
Berryhill, Tom (R)	●	N					N	N	N					—	N								
Block, Marty (D)	Y	Y					Y	Y	Y					Y	Y								
Cannella, Anthony (R)	N	N					N	N	N					N	N								
de León, Kevin (D)	Y	Y					Y	Y	Y					Y	Y								
Fuller, Jean (R)	N	N					N	N	N					N	N								
Gaines, Ted (R)	N	N					N	N	N					N	N								
Galgiani, Cathleen (D)	Y	●					Y	●	●					Y	●								
Glazer, Steve (D)	N	N					Y	N	Y					Y	N								
Hall, Isadore (D)	Y	Y					Y	Y	Y					Y	Y								
Hancock, Loni (D)	Y	Y					Y	Y	Y					Y	Y								
Hernandez, Ed (D)	N	Y					Y	Y	Y					Y	Y								
Hertzberg, Bob (D)	●	Y					Y	●	Y					Y	●								
Hill, Jerry (D)	Y	Y					Y	Y	Y					Y	Y								
Hueso, Ben (D)	Y	Y					Y	●	Y					Y	Y								
Huff, Bob (R)	N	N					N	N	N					N	N								
Jackson, Hannah-Beth (D)	Y	Y					Y	Y	Y					Y	Y								
Lara, Ricardo (D)	Y	Y				Y	Y	Y				Y	Y										
Leno, Mark (D)	Y	Y				Y	Y	Y				Y	Y										
Leyva, Connie (D)	Y	Y				Y	Y	Y				Y	Y										
Liu, Carol (D)	Y	Y				Y	Y	Y				Y	Y										
McGuire, Mike (D)	Y	Y				Y	Y	Y				Y	Y										
Mendoza, Tony (D)	●	Y				Y	Y	Y				Y	Y										
Mitchell, Holly (D)	Y	Y				Y	Y	Y				Y	Y										
Monning, Bill (D)	Y	Y				Y	Y	Y				Y	Y										
Moorlach, John (R)	N	N				N	N	N				N	N										
Morrell, Mike (R)	N	N				N	N	N				N	N										
Nguyen, Janet (R)	N	●				N	N	N				N	N										
Nielsen, Jim (R)	N	N				●	N	N				N	N										
Pan, Richard (D)	Y	●				Y	Y	Y				Y	Y										
Pavley, Fran (D)	Y	Y				Y	Y	Y				Y	Y										
Roth, Richard (D)	●	Y				N	N	Y				Y	●										
Runner, Sharon (R)	—	—				N	N	—				—	—										
Stone, Jeff (R)	N	N				N	N	N				N	N										
Vidak, Andy (R)	N	N				N	N	N				N	N										
Wieckowski, Bob (D)	Y	Y				Y	Y	Y				Y	Y										
Wolk, Lois (D)	Y	Y				Y	Y	—				Y	Y										

*2015 vote

Assembly Vote Record on Job Killers

	Affordable Housing Barriers	SB 1150 Mortgage Successors	SB 1318 Water Requirements	Arbitration Discrimination	AB 2667 Consumer Contracts	Burdensome Environmental Regulation	SB 32 Emission Reductions*	SB 654 Haz Waste Permits*	Economic Development Barriers	AB 1611 Permit Processing	SB 839 Permit Processing	Increased Labor Costs	SB 3 Automatic Minimum Wage Hike	SB 1166 Maternity/Paternity Leave	Meritless Litigation	AB 2748 Release Clauses	SB 899 Goods Pricing	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent																			
Achadjian, Katcho (R)	On Assembly Floor.	Held in Assembly Local Government Committee.						Assembly Inactive File.		Assembly concurrence in Senate amendments pending.				Failed passage in Assembly Labor and Employment Committee.			Held in Assembly Judiciary Committee.	5	0	0																			
Alejo, Luis (D)																		Y	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	1	4	0			
Allen, Travis (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5	0	0		
Arambula, Joaquin (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	2	1	0		
Atkins, Toni (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	●	●	●	1	4	0		
Baker, Catharine (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5	0	0	
Bigelow, Frank (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	0	1	
Bloom, Richard (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	2	3	0	
Bonilla, Susan (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Bonta, Rob (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Brough, William (R)	Held in Assembly Local Government Committee.									Assembly concurrence in Senate amendments pending.	I		N	Failed passage in Assembly Labor and Employment Committee.			Held in Assembly Judiciary Committee.	4	0	1																			
Brown, Cheryl (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	3	2	0		
Burke, Autumn (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	●	●	●	2	3	0		
Calderon, Ian (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	1	4	0	
Campos, Nora (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	3	2	0	
Chang, Ling Ling (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5	0	0	
Chau, Ed (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Chávez, Rocky (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	0	1
Chiu, David (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Chu, Kansan (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Cooley, Ken (D)	Held in Assembly Local Government Committee.									Assembly concurrence in Senate amendments pending.	Y	Y	Y	Failed passage in Assembly Labor and Employment Committee.			Held in Assembly Judiciary Committee.	3	2	0																			
Cooper, Jim (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	1	0	
Dababneh, Matthew (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Dahle, Brian (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5	0	0
Daly, Tom (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	1	0
Dodd, Bill (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	●	●	●	●	2	3	0	
Eggman, Susan Talamantes (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	●	●	●	●	1	4	0	
Frazier, Jim (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	3	2	0
Gaines, Beth (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	0	1
Gallagher, James (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5	0	0
Garcia, Cristina (D)	Held in Assembly Local Government Committee.									Assembly concurrence in Senate amendments pending.	Y	Y	Y	Failed passage in Assembly Labor and Employment Committee.			Held in Assembly Judiciary Committee.	1	4	0																			
Garcia, Eduardo (D)																		Y	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	1	4	0	
Gatto, Mike (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Gipson, Mike (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	3	2	0
Gomez, Jimmy (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Gonzalez, Lorena (D)																		Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	●	0	5	0	
Gordon, Richard (D)																		Y	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	1	4	0
Gray, Adam (D)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	1	0
Grove, Shannon (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	4	0	1
Hadley, David (R)																		●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	●	5	0	0

*2015 vote **Not in office yet

Assembly Vote Record on Job Killers

	Affordable Housing Barriers	Arbitration Discrimination	Burdensome Environmental Regulation	Economic Development Barriers	Increased Labor Costs	Meritless Litigation	In Accord with CalChamber	Not in Accord with CalChamber	Not Voting or Absent									
	SB 1150 Mortgage Successors	SB 1318 Water Requirements	AB 2667 Consumer Contracts	SB 32 Emission Reductions*	SB 654 Haz Waste Permits*	AB 1611 Permit Processing	SB 839 Permit Processing	SB 3 Automatic Minimum Wage Hike	SB 1166 Maternity/Paternity Leave	AB 2748 Release Clauses	SB 899 Goods Pricing							
Harper, Matthew (R)	On Assembly Floor.	Held in Assembly Local Government Committee.	N	N	Assembly Inactive File.		N	Y	Failed passage in Assembly Labor and Employment Committee.	N	Held in Assembly Judiciary Committee.	4	0	1				
Hernández, Roger (D)			Y	●		Y	Y	Y		Y		Y	Y	Y	1	3	1	
Holden, Chris (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Irwin, Jacqui (D)			N	N		●	Y	Y		Y		Y	Y	Y	Y	4	1	0
Jones, Brian (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Jones-Sawyer, Reginald (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Kim, Young (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Lackey, Tom (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Levine, Marc (D)			N	Y		Y	Y	Y		Y		Y	Y	Y	Y	1	4	0
Linder, Eric (R)			N	N		N	N	N		●		N	N	N	N	5	0	0
Lopez, Patty (D)	Held in Assembly Local Government Committee.	Held in Assembly Judiciary Committee.	Y	Y	Assembly concurrence in Senate amendments pending.	Y	Y	Y	Failed passage in Assembly Labor and Employment Committee.	Y	Held in Assembly Judiciary Committee.	0	5	0				
Low, Evan (D)			Y	N		Y	Y	Y		Y		Y	Y	Y	1	4	0	
Maienschein, Brian (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Mathis, Devon (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Mayes, Chad (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
McCarty, Kevin (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Medina, Jose (D)			Y	N		N	N	N		N		N	N	N	N	2	3	0
Melendez, Melissa (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Mullin, Kevin (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Nazarian, Adrin (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Oberholte, Jay (R)	Held in Assembly Local Government Committee.	Held in Assembly Judiciary Committee.	N	N	Assembly concurrence in Senate amendments pending.	N	N	N	Failed passage in Assembly Labor and Employment Committee.	N	Held in Assembly Judiciary Committee.	5	0	0				
O'Donnell, Patrick (D)			●	●		Y	Y	Y		Y		Y	Y	Y	3	2	0	
Olsen, Kristin (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Patterson, Jim (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Quirk, Bill (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Rendon, Anthony (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Ridley-Thomas, Sebastian (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Rodriguez, Freddie (D)			Y	●		Y	Y	Y		Y		Y	Y	Y	●	2	3	0
Salas, Rudy (D)			N	N		N	N	N		●		N	N	N	N	5	0	0
Santiago, Miguel (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Steinorth, Marc (R)	Held in Assembly Local Government Committee.	Held in Assembly Judiciary Committee.	N	N	Assembly concurrence in Senate amendments pending.	N	N	N	Failed passage in Assembly Labor and Employment Committee.	N	Held in Assembly Judiciary Committee.	5	0	0				
Stone, Mark (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	0	5	0	
Thurmond, Tony (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	0	5	0	
Ting, Phillip (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	0	5	0	
Wagner, Donald (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Waldron, Marie (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Weber, Shirley (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	●	1	4	0
Wilk, Scott (R)			N	N		N	N	N		N		N	N	N	N	5	0	0
Williams, Das (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	Y	0	5	0
Wood, Jim (D)			Y	Y		Y	Y	Y		Y		Y	Y	Y	●	1	4	0

*2015 vote